

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chairman, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the August 23, 2006  
Board of Review Meeting

**Date:** August 25, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, August 23, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, August 30, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Yarbrough, Executive Secretary  
Absent: Mr. Serico, Member

2. Following a motion by Mr. Sieber and seconded by Ms. Calderone, the minutes of the August 16, 2006 meeting were approved.

3. New Business

(a) 111,927

Ms. Futterman presented this case that involved a claimant who was injured at work by a tool used to perform the work. The claimant left work when the employer did not address her injury. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board noted that the evidence showed that the claimant had good cause attributable to the

work for leaving and voted to reverse the Appeal Tribunal. Ms. Futterman will prepare the decision.

**(b) 115,190**

Ms. Gagliardo described this case that involved a claimant who was discharged for not following the employer's policy. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(b). The Board noted that the claimant was previously warned about such behavior and his act constituted misconduct connected with the work. As a result, the Board voted to reverse the Appeal Tribunal. However, as there were two determinations of eligibility, the claimant is not liable to refund benefits. Ms. Gagliardo will prepare the decision.

**(c) 115,885**

As described by Ms. Barnwell, this case involved a claimant who was employed as an administrative assistant and had to assume additional job duties of a senior administrative assistant. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A. 43:21-5(a), but disqualified under N.J.S.A. 43:21-5(c). The Board noted that the decision was not consistent with the record and voted to remand the case for additional testimony from the claimant and employer regarding the change in the claimant's job duties. Ms. Barnwell will prepare the remand.

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Ms. Calderone seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

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